

THE HON'BLE SRI JUSTICE P.S.NARAYANA

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WRIT PETITION NO.12913 of 2006

-
DATED: 27.06.2006

Between:

Mushtaq Ahmed

.. PETITIONER

versus

Municipal Corporation of Hyderabad,
Represented by its Commissioner, Lower
Tank Bund, Hyderabad, and another.

..

RESPONDENTS

WRIT PETITION NO.12913 of 2006

ORDER:

Heard both the learned counsel.

The Writ Petition is filed for issuance of a writ, order or direction more in the nature of Writ of Mandamus declaring the notice No.16/ACP-111/C-3/MCH/06, dated 17.6.2006 issued by the respondent No.1 as illegal, arbitrary and unconstitutional and pass such other suitable orders.

The main ground of attack is that without issuing any notice under Section 452 of Hyderabad Municipal Corporation Act, 1955, hereinafter referred to in short as Act for the purpose of convenience, straight away a notice under Section 636 of the Act had been issued.

It is stated that the petitioner is the owner of shop No.4 in the ground floor portion of Kushal Apartments Complex bearing M.No.3-5-784/15/1 and part 784/16, Koti Koti, Hyderabad. It is stated that the petitioner purchased shop No.4 from Lalitha Karan through registered sale deed in the year 2001. It is also stated that the builder of the scheduled property obtained permission to construct ground + five floors. It is further stated that the respondents issued notice under Section 636 of the Act straight away.

In the light of the facts and circumstances, this Court is of the considered opinion that the Writ Petition can be disposed of with the following direction:

“The respondents to treat the notice impugned in the present Writ

Petition as a show cause notice and give opportunity to the petitioner to file his objections, if any, within a period of two (02) weeks and after receiving objections, to pass appropriate orders in this regard in accordance with law”

The Writ Petition is disposed of accordingly. There shall be no order as to costs.

27.06.2006

SSR